

EXHIBIT D



CORONAVIRUS IN TEXAS

Drive-thrus and free pencils: Texas plans for July elections with in-person voting

Other states may be shifting to increased mail-in voting, but Texas' GOP leaders are fighting efforts to expand the practice. That leaves local elections officials to try to make polling places safe in a pandemic.

BY **ALEXA URA** APRIL 20, 2020 12 PM



How many voters might be willing to risk a trip to the polls during a pandemic remains unknown. Michael Stravato for The Texas Tribune

Coronavirus in Texas

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There will be an election in Texas in mid-July, apparently with polling sites, election workers and voting machines in place so people can cast their ballots in person. How many voters might be willing to risk a trip to the polls during a pandemic, though, remains unknown.

As Texas Republicans work to block the expansion of mail-in balloting during the coronavirus crisis, local election administrators across the state are deciphering how to safely host voters for the July 14 primary runoff elections — and eventually the November general election — under circumstances unseen by even the most veteran among them.

Looking to expand curbside voting, some election officials are considering retooling parking garages or shuttered banks with drive-thru lanes. Rethinking contact during a process that requires close proximity, others are toying with the idea of buying hundreds of thousands of pencils that voters would take home after using the eraser end to mark their ballots on touch-screen voting machines.

Many are scrambling to add sanitizing and protective gear to the long list of equipment needed to pull off a safe election. Plexiglass or plastic shields, like those now common at grocery store registers, could make an appearance at polling place check-in stations.

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One huge unknown hangs over all the planning — whether there will be a surge of mail-in voting that creates a whole new sphere of logistical challenges.

“It’s almost like you’re preparing for two elections rather than one,” said Lisa Wise, the elections administrator in El Paso County. “That’s just part of what we’re in right now.”

Officials in other states, including some led by Republicans, have moved to expand voting by mail as part of their efforts to slow the spread of the new coronavirus. But Texas Attorney General [Ken Paxton](#) and other officials have not only shunned requests to follow suit — they’ve gone to court to block lawsuits aimed at making it easier for more Texans to vote by mail. In a case out of Travis

County, a state district judge ruled last week that the risk of contracting the coronavirus at a polling place is enough to qualify voters to receive mail-in ballots under the state election code. But that decision is headed for a drawn-out appeal process that election administrators say they can't afford.

"Whatever decision is made, it takes a lot of time to prepare," said Yvonne Ramón, the Hidalgo County elections administrator. "Tell us what the decision will be and let us then move forward."

To receive a mail-in ballot, Texas voters have to present an excuse for why they can't go to the polls, like disability, age or travel plans. In the past, less than 10% of voters have generally sought the absentee ballots. But depending on the outcome of pending lawsuits, election officials realize they may have to scale that up significantly in a short amount of time.

Many aren't waiting for a decision from the courts to begin stocking up on mailing materials they might need, and some are considering expanding or even overhauling their voting systems to accommodate the specialized scanners needed to count a larger number of mail ballots. Some are on the hunt for additional space to store those ballots under lock and key.

"We've gone into multidimensional planning," said Remi Garza, who oversees elections in Cameron County down on the border. "We're doing everything we can to anticipate either a minimal increase or a significant increase or a gargantuan increase."

Even without an expansion of who can vote by mail, Garza said it's unlikely they'll see the "status quo" in absentee voting because they're expecting a jump among voters who already qualify but don't typically exercise that option.

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Operating polling places during a pandemic creates another set of safety challenges as voters must check in, sign poll books and stand in lines.

Election administrators recently shared among themselves a [poll](#) that offered insight into how people feel about voting in person during a pandemic. It showed that 66% of Americans said they would feel uncomfortable going to a polling place now.

In Aransas County, elections administrator Michele Carew is considering whether she should establish a pop-up voting center in a tent in a parking lot. Because the county is small, her office warehouse typically serves as the only early voting site in the county. But with social distancing rules in place, she'd only be able to fit five voting machines instead of the 10 that normally run. That would be particularly unworkable for the high turnout expected for the November election, she said.

Some election administrations are exchanging messages about whether reducing polling locations would allow them to get a better handle on the situation; others are responding with suggestions about doubling the number of locations so they can space out voters and machines.

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But those conversations often dovetail into another crucial consideration — there's no way to know if they'll have enough poll workers to staff their voting sites.

"Sixty percent of my election officials are over 65, so obviously they need to be replaced or a vast majority of them need to be replaced," said Jacque Callanen, the Bexar County elections administrator. She's considering turning to a pool of county workers whom she can train up for the election, but the coronavirus will also get in the way of that.

Typically, she'd be able to cram 80 people into her training room, but she'll be down to 20 at a time with social distancing requirements.

At this point, though, Callanen isn't even certain how many poll workers she'll need. A majority of the county's polling sites would be propped up in public schools, but she's not sure if they'll be able to open up those sites to the public during an outbreak.

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“It just keeps going on and on,” Callanen said of the challenges election administrators are working through.

Election administrators are looking to the July elections and the sliver of turnout they’re expecting as a dry run for novel voting procedures they can deploy for the November election. While there’s no way to know the state of the coronavirus pandemic by then, public health experts and epidemiologists have warned that without a vaccine or treatment, some of the measures in place now will need to extend into the fall. But election officials wouldn’t be able to stress test new election systems ahead of the record turnout that’s expected for the general election, which already presented election administrations with a bevy of new challenges even before the pandemic came to Texas.

The general election will be the first time many Texans interact with new voting machines that have been rolled out in counties across the state. It will also mark the first Texas election without straight-ticket voting, which allowed voters to mark their support for every candidate in their party with one punch. With the sky-high turnout expected for the general election, local officials were already navigating how to prepare for the uncertainty of how much longer voters would take to get through the ballot and what that would mean for wait times.

Now, both the ballot and the lines are set to get longer. The coronavirus pandemic led to the cancellation of May municipal elections across the state that are now slated to get tacked on to the bottom of the November ballot. And if social distancing requirements are still in place, voting lines will easily stretch out across 10 blocks, said John Oldham, the election administrator in Fort Bend County.

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Oldham had lobbied the Texas secretary of state's office to work with the governor in hopes of expanding who could qualify to vote by mail during the pandemic so the question wouldn't be thrown to the courts and election officials wouldn't be left in limbo over the outcome.

The governor has so far not taken a clear position on the matter, limiting his comments to indicate the state should still provide in-person voting for the upcoming elections. (A spokesman for the governor did not respond to emailed questions.) Paxton, the attorney general, has made clear he'll fight an expansion in court, arguing that the "plain text" of the state election code doesn't allow "perfectly healthy voters to take advantage of special protections made available to Texans with actual illness or disabilities."

But election officials say they are now working in the shadow of the disastrous Wisconsin presidential primary, which saw an unmet demand for mail-in ballots amid a logistical crush to rapidly expand the system, whiplashing last-minute court decisions and hourslong wait times after more than 100 polling locations were shuttered because of a shortage of poll workers. The images of mask-clad voters enduring bouts of rain while standing 6 feet apart in lines that traversed sidewalks have landed heavily with Texas election administrators.

"Unless we can get another method of voting — ballot by mail being the only one — we're going to be Wisconsin 10 times over," said Oldham.

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